

RESOURCES EXPLORATION & MINING, INC.
(ON RECONSIDERATION)

IBLA 79-304

Decided September 19, 1979

Appeal from decision of the Utah State Office, Bureau of Land Management, rejecting oil and gas lease offer U-42450.

Affirmed.

Resources Exploration & Mining Inc., 42 IBLA 63 (1979), is hereby modified.

1. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: Drawings

A simultaneously-filed drawing entry card which is first drawn is properly rejected where the corporate offeror has improperly referred to the serial number where its statement of corporate qualifications was on file by omitting the letter prefix which showed which State Office had custody of the prior-filed statement of qualifications.

2. Applications and Entries: Generally -- Mistakes: Generally -- Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: Applications: Drawings

BLM personnel may not attempt to "correct," complete, or interpret entries on oil and gas lease offer application forms in such a way as to perfect an otherwise unacceptable application, nor may an applicant "cure" a defect on his drawing entry card by the submission of supplemental information after the drawing.

APPEARANCES: Robert A. Elrod, Assistant Treasurer, for appellant.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

Resources Exploration & Mining, Inc., submitted a simultaneously-filed oil and gas lease offer in the form of a drawing entry card (DEC) for Parcel No. UT-38 in the February 1979 drawing conducted by the Utah State Office of the Bureau of Land Management (BLM). The offer was first-drawn and given serial number U-42450.

On March 2, 1979, the offer was rejected by BLM. The decision of the Utah State Office said, "The offeror did not submit corporate qualification statements with the simultaneous oil and gas offer to lease or show a correct serial number reference where qualifying documents have previously been filed. 43 CFR 3102.4-1."

An appeal to this Board was brought by Resource Exploration & Mining, Inc., in which it was asserted that its corporate qualifications had been filed in the Wyoming State Office, BLM, under serial number W-885, and that it thereafter filed an updated statement of qualifications in that office, but the Wyoming BLM had neglected to inform appellant of the serial number which identified the file of the more recent submission. Appellant submitted a letter from Wyoming BLM, written in March 1979, which confirmed that when the subject DEC was filed in Utah, appellant was unaware of the new Wyoming serial number under which its most recent statement was filed.

By our decision styled Resource Exploration & Mining, Inc., 42 IBLA 63 (1979), we affirmed the rejection of appellant's offer, saying, at 42 IBLA 64:

Appellant had a prior reference number available for its corporate qualifications which could have been used for this particular drawing. For whatever reason, it chose not to cite the prior acceptable reference number, W-885, for the required qualifications. Instead, it left the appropriate section of the drawing entry card blank. Alternatively, it could have submitted another statement with the subject offer. It may not now remedy the fatal defect and the offer must stand rejected.

Appellant has now petitioned for reconsideration, asserting that the foregoing language demonstrates a misconception of fact by the Board in that appellant did not "chose not to cite the prior acceptable reference number, W-885 . . .," nor had it "left the appropriate

section of the drawing entry card blank." Instead it had entered the number 885 (without the prefix "W") in the indicated space on the DEC.

Review of the case file discloses that appellant is correct and the Board was in error on this point. The number "885" is clearly typed in the appropriate space on the card. To this extent our previous decision must be modified. However, our holding must remain unaltered.

[1, 2] Appellant contends that its entry of the number 885 was sufficient to identify the file where its previously filed corporate qualifications could be found, notwithstanding the omission of the prefix "W" which signifies that the file is on record in the Wyoming State Office. Without the correct letter prefix, the number 885 is virtually meaningless. Each state office of BLM issues reference numbers serially, distinguished only by the prefix. Not only are there currently 12 BLM state offices issuing serial numbers, each using its distinctive prefix, a number of such offices still maintain a great many records utilizing serial numbers from previous systems when there were multiple land offices in a single state, each land office issuing serial numbers and using letter prefixes to indicate the city where it was located.

Thus, even had the Utah State Office (where appellant's offer was filed) undertaken the effort to track down the statement of qualifications -- which it correctly declined to attempt -- it would have faced an extremely difficult task. We have frequently held that strict compliance with 43 CFR 3112.2-1 is required in the completion of a drawing entry card. That regulation requires that the card be "fully executed," and virtually any omission makes rejection mandatory. William F. Riggs, 36 IBLA 403 (1978), and cases cited therein. Moreover, BLM personnel may not attempt to "correct," complete, or interpret entries on application forms in such a way as to perfect an otherwise unacceptable application, as this may impinge on the rights of competing applicants. Mildred A. Moss, 28 IBLA 364, 367 (1977), aff'd, Moss v. Andrus, No. 78-1050 (10th Cir. Sept. 20, 1978); Mountain Fuel Supply Co., 13 IBLA 85 (1973); W. H. Burnett, A-28037 (Aug. 20, 1959); see Burglin v. Morton, 527 F.2d 486, 490 (9th Cir. 1975), cert. denied, 425 U.S. 973 (1976). Finally, as noted in our prior decision in this case, a defective lease offer submitted pursuant to the simultaneous filing procedure may not be "cured" by the filing of supplemental information after the drawing is held. Moss v. Andrus, supra; Ballard E. Spencer Trust, Inc. v. Morton, 544 F.2d 1067, 1070 (10th Cir. 1976). Therefore, appellant's effort to establish on appeal that the number 885 was intended as a reference to serial number W-885 is of no avail.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Edward W. Stuebing
Administrative Judge

I concur:

Anne Poindexter Lewis
Administrative Judge

ADMINISTRATIVE JUDGE GOSS CONCURRING:

I concur in the result and point out that the original problem was in some measure due to the wording of appellant's statement of reasons, which reads in part:

. . . Your letter of March 2, 1979 states that Resource did not submit corporate qualifications or show a correct serial number reference where the qualifying documents have previously been filed.

We were unable to do so as the Wyoming State Office of the Bureau of Land Management had failed to notify us of our new serial reference number.

Joseph W. Goss
Administrative Judge

